

REMARKS

Claims 1 to 10 are now pending in the present application. Claims 11 and 12 have been cancelled without prejudice or disclaimer of the subject matter.

In the present Office Action, claim 8 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 1-5, 8, 11 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by WO 99/49792 to Törmälä et al. Claims 7, 9 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,843,084 to Hart et al. Claim 6 stands rejected under 35 U.S.C. §102(b) as being anticipated by WO 99/01071 to Törmälä et al.

Applicants have amended claim 8 to remove “of claim 1” in order to clarify the structure of the fastener and request withdrawal of the pending rejection. No change in scope to the claim is intended by this amendment.

The present invention provides fasteners, methods of repair and a method of fixing a fibrous implant. All of these embodiments of the present invention include a fastener having a tapered, curved end. Applicants submit that none of the cited references disclose or suggest this element as claimed.

The first reference cited is Törmälä et al. '792. The Examiner indicates that Törmälä '792 discloses a proximal portion 2 with a tapered, curved end. However, proximal portion 2 has a blunt end 2a (see page 9, line 5), not a tapered curved end, as for example in Figures 1A-1G of the present invention. Therefore, Törmälä '792 does not disclose or suggest the structure of the claimed fastener and claims 1-5 and 8 are allowable.

The second reference cited is Hart et al. Hart, however, does not disclose a tapered proximal end. While the device disclosed in Hart does have a bent bar 60 attached to the

proximal end 35 of the device, this bar 60 is not tapered. Therefore, the reference does not disclose or suggest the structure of the claimed fastener and claims 7, 9, and 10 are allowable.

Finally, Törmälä et al '071 is cited as anticipating claim 6. However, claim 6 is dependent on claim 1, which claims a proximal tapered, curved end. Törmälä '071 does not disclose a curved proximal end and thus cannot anticipate dependent claim 6. Neither does Törmälä '071 teach or suggest a fastener having a curved end. Therefore, claim 6 is allowable over the cited reference.

In view of the foregoing remarks, Applicants respectfully submit that claims 1-10 are allowable over the prior art.

Applicants respectfully submit that the present application is in a condition for allowance, which action is earnestly solicited.

Upon consideration of the foregoing remarks, the Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. ' 1.16 or ' 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
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Dated: 2-14-03



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